

# House Study Bill 81 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
EDUCATION BILL)

## A BILL FOR

- 1 An Act relating to vehicular transportation for students and
- 2 making penalties applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 285.9, Code 2013, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 5. Review and resolve all transportation  
4 disputes between districts as provided in section 285.12A.

5 Sec. 2. NEW SECTION. **285.12A Disputes between districts.**

6 In the event of a dispute between school districts regarding  
7 transportation, the area education agency board shall review  
8 and resolve the dispute. If the parties to the dispute are  
9 located in more than one area education agency, the area  
10 education agency in which the party to the dispute with the  
11 greatest certified enrollment is located shall be the reviewing  
12 agency. In resolving disputes between districts, the reviewing  
13 agency board shall, after receiving all facts, make alterations  
14 or changes as necessary to make the arrangements, designations,  
15 and contracts conform to the legal and established requirements  
16 and shall notify each affected local school board of the  
17 decision. A party to the dispute may appeal the decision of  
18 the agency board to the director of the department of education  
19 in the manner provided in section 285.12 for appealing a  
20 decision of an agency board. The decision of the director  
21 shall be subject to judicial review in accordance with chapter  
22 17A.

23 Sec. 3. Section 321.1, subsection 69, paragraph d, Code  
24 2013, is amended to read as follows:

25 d. Designed to carry not more than nine persons as  
26 passengers, either school owned or privately owned, which  
27 are used to transport pupils to activity events in which the  
28 pupils are participants or used to transport pupils to their  
29 homes in case of illness or other emergency situations. The  
30 vehicles operated under the provisions of this paragraph  
31 shall be operated by employees of the school district who are  
32 specifically approved by the local superintendent of schools  
33 for the assignment and, if applicable, shall conform to the  
34 minimum vehicle safety inspection standards for school buses,  
35 as prescribed in rules adopted by the state board of education.

1     Sec. 4. Section 321.373, subsection 1, Code 2013, is amended  
2 to read as follows:

3     1. Every school bus ~~except private passenger vehicles used~~  
4 ~~as school buses~~ or other vehicle used to transport pupils  
5 to activity events pursuant to section 321.1, subsection  
6 69, paragraph "d", unless privately owned and not operated  
7 for compensation, shall be constructed and equipped to meet  
8 safety standards prescribed in rules adopted by the state  
9 board of education. Such rules shall conform to safety  
10 standards set forth in federal laws and regulations and shall  
11 conform, insofar as practicable, to the minimum standards  
12 for school buses recommended by the national conference on  
13 school transportation administered by the national commission  
14 on safety education and published by the national education  
15 association.

16     Sec. 5. Section 321.376, Code 2013, is amended by adding the  
17 following new subsection:

18     NEW SUBSECTION. 2A. The provisions of this section relating  
19 to a certificate of qualification and approved course of  
20 instruction shall not apply to a person operating a vehicle  
21 used to transport pupils to activity events pursuant to section  
22 321.1, subsection 69, paragraph "d".

23     Sec. 6. Section 321.379, Code 2013, is amended to read as  
24 follows:

25     **321.379 Violations.**

26     A school board, individual, or organization shall not  
27 purchase, construct, or contract for use, to transport pupils  
28 to or from school or school activities, any school bus or other  
29 vehicle used to transport pupils to activity events pursuant  
30 to section 321.1, subsection 69, paragraph "d", which does  
31 not comply with the minimum requirements of section 321.373  
32 pertaining to such bus or vehicle, and any individual, or any  
33 member or officer of such board or organization who authorizes,  
34 the purchase, construction, or contract for any such bus or  
35 vehicle not complying with these minimum requirements commits a

1 simple misdemeanor.

2 Sec. 7. Section 331.653, subsection 32, Code 2013, is  
3 amended to read as follows:

4 32. Enforce sections 321.372 to 321.379 relating to school  
5 buses and to vehicles used to transport pupils to activity  
6 events pursuant to section 321.1, subsection 69, paragraph "d".

7 Sec. 8. STATE MANDATE FUNDING SPECIFIED. In accordance  
8 with section 25B.2, subsection 3, the state cost of requiring  
9 compliance with any state mandate included in this Act shall  
10 be paid by a school district from state school foundation aid  
11 received by the school district under section 257.16. This  
12 specification of the payment of the state cost shall be deemed  
13 to meet all of the state funding-related requirements of  
14 section 25B.2, subsection 3, and no additional state funding  
15 shall be necessary for the full implementation of this Act  
16 by and enforcement of this Act against all affected school  
17 districts.

18 EXPLANATION

19 This bill makes changes relating to vehicular transportation  
20 for students.

21 The bill assigns to area education agencies the duty of  
22 initially reviewing transportation disputes between school  
23 districts and the authority to resolve such disputes. The bill  
24 requires the reviewing agency board to notify each affected  
25 local school board of its decision, and allows an affected  
26 school district to appeal a decision to the director of the  
27 department of education.

28 The bill provides that school-owned vehicles designed to  
29 carry not more than nine persons which are used to transport  
30 pupils to activity events in which students are participating  
31 must conform to minimum vehicle safety inspection standards for  
32 school buses as far as practicable and as set out by the state  
33 board of education by rule. The bill also provides that the  
34 drivers of such vehicles, whether school-owned or privately  
35 owned, are exempt from statutory requirements for a certificate

1 of qualification and an approved course of instruction that  
2 apply to school bus drivers.

3 Current law provides that a school board, individual, or  
4 organization must not purchase, construct, or contract for  
5 use of a school bus that does not comply with minimum state  
6 standards. Current law provides that any person who authorizes  
7 such an action is guilty of a simple misdemeanor. The bill  
8 adds certain other vehicles used to transport students to  
9 school activities to those requirements. A simple misdemeanor  
10 is punishable by confinement for no more than 30 days or a fine  
11 of at least \$65 but not more than \$625 or by both.

12 The bill may include a state mandate as defined in Code  
13 section 25B.3. The bill requires that the state cost of  
14 any state mandate included in the bill be paid by a school  
15 district from state school foundation aid received by the  
16 school district under Code section 257.16. The specification  
17 is deemed to constitute state compliance with any state mandate  
18 funding-related requirements of Code section 25B.2. The  
19 inclusion of this specification is intended to reinstate the  
20 requirement of political subdivisions to comply with any state  
21 mandates included in the bill.